Public Notice

US Army Corps of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: 200500998
Date: February 28, 2006
Comments Due: March 28, 2006
In reply, please refer to the Public Notice Number

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Dean Property Residential Development project, which would result in impacts to approximately 0.610 acre of vernal pools. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at http://www.spk.usace.army.mil/regulatory.html.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Josh Leach, P.O. Box 4373. Chico, California 95927-4373, 530-624-7534

LOCATION: The project site is located in Chico in Section 9, Township 22 North, Range 1 East, Butte County, California, and can be seen on the Chico USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to construct approximately 28 single-family dwellings on approximately 5.5 acres. Approximately 0.610 acre of vernal pool habitat would subsequently be filled. Housing density on-site is five units per acre. Currently, there are two residential homes within the assessment area. The project area is bordered on the east by Mariposa Avenue and is surrounded with residential developments. The project area will be accessed from existing roads and staging areas will be contained within the project area. Associated infrastructure improvements would include the extension of sewer, water, and stormwater drain mains as well as city-standard street sections from Mariposa Avenue. The sanitary sewer service would be provided by connecting to the City's existing system. The project would be completed in approximately 12 months.

Based on the available information, the overall project purpose is to provide housing in an urban area projected for growth. The attached drawing provides additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 0.610 acre of vernal pool**s** within the project area. Topographically, the project area is relatively flat. The site is characterized by disturbed valley grasslands with vegetation consisting mainly of non-native grasses and forbs. The only shrub or tree species located on-site are landscape plants associated with two residential structures. The area has been greatly influenced by the development of neighboring properties constructed within the last three years. The development created additional stormwater run-off, which collects in the project area. Historically, the site did not have wetland features to the extent that currently exists. The project is located near Marigold Elementary School, Bidwell Junior High, Pleasant Valley High School, as well as shopping, entertainment, and recreation.

Alternatives. The applicant has provided information concerning project alternatives. The applicant's "Draft: 404(B)(1) Alternatives Evaluation" addresses both off and on-site alternatives. The applicant believes that compared to surrounding open space areas, the proposed project site is disturbed. The majority of the surrounding 5-acre lots were developed or in the process of being developed. The alternative off-site locations were not selected by the applicant because they were adjacent to relatively more open space and were hydrologically connected to vernal features that are known to support special-status species. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed to mitigate off-site, in a U.S. Fish and Wildlife Service approved bank.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the RWQCB is required for this project. The applicant has indicated they will apply for a Section 401 Water Quality Certification from RWQCB and a 1600 permit from the California Department of Fish and Game upon the completion of the CEQA process.

HISTORIC PROPERTIES: The Corps has requested the applicant to provide additional information regarding cultural resources that may be affected by the proposed project. The Corps' initial analysis was based on the September 2005 "Archaeological Survey Report, Dean Property Residential Development." The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Preservation Act, as appropriate.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. The Corps has initiated consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species.

ESSENTIAL FISH HABITAT: The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part

230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200500998, must be submitted to the office listed below on or before March 28, 2006:

Cori Nagasawa, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Valley Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: Cori.M.Nagasawa@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Miss Cori Nagasawa, 916-557-6605, Cori.M.Nagasawa@usace.army.mil.

Attachments: Figure 2. Dean Property Delineation